



Oregon

Theodore R. Kubangoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

03/09/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Klamath County Plan Amendment
DLCD File Number 018-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, March 26, 2009

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

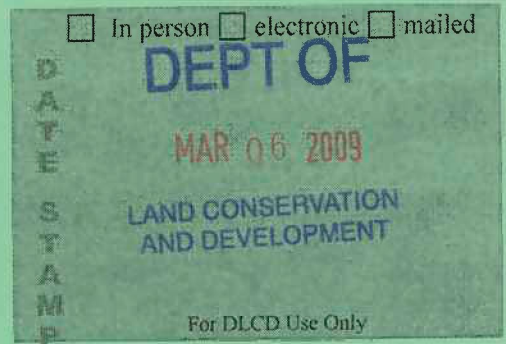
***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Alyssa Boles, Klamath County
Doug White, DLCD Community Services Specialist
Jon Jinings, DLCD Regional Representative

<pa> YA

DLCD

Notice of Adoption



THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
 PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

Jurisdiction: **Klamath County**

Local file number: **CLUP/ZC 15-08**

Date of Adoption: **2/18/2009**

Date Mailed: **3/5/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 12/2/2008

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Applicants wish to change the Comprehensive Plan designation from Forestry to Rural and change the zoning from Forestry to Rural Residential (R-5).

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **Forestry**

to: **Rural**

Zone Map Changed from: **Forestry**

to: **Rural Residential (R-5)**

Location: **3/4 mile west of Highway 97 in River Pine Estates**

Acres Involved: **10**

Specify Density: Previous: **N/A**

New: **1 sfd/ 5 acres**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
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Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD # 018-08 (17265)

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

DLCD, Klamath County, Crescent RFPD, Oregon Department of Forestry

Local Contact: Alyssa Boles

Phone: (541) 883-5121 Extension: 3020

Address: 305 Main Street

Fax Number: 541-885-3644

City: Klamath Falls

Zip: 97601-

E-mail Address: aboles@co.klamath.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: webserver.lcd.state.or.us. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing mara.ulloa@state.or.us.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to mara.ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

**BEFORE THE BOARD OF COMMISSIONERS
of KLAMATH COUNTY**

RECEIVED

FEB 03 2009

BOARD OF COUNTY COMMISSIONERS

IN THE MATTER OF FILE NUMBER CLUP/ZC 15-08

FINAL ORDER

WHEREAS, Cecil and Barbara Layman, applicants, and Rhine Cross Group, agent, requested approval of a quasi-judicial amendment of the COMPREHENSIVE LAND USE PLAN MAP from Forestry (F) to Rural (R); and a CHANGE OF ZONE from Forestry (F) to Rural Residential (R-5) on a 10 acre portion of a 98.8 ± acre property; and

WHEREAS, the subject property is described as Tax Lot 01600, in Section 13 of Township 23 South, Range 09 East Willamette Meridian and identified as Tax Account R895114, known as Parcel 3 of Land Partition 60-05; and,

WHEREAS, the Klamath County Planning Department provided proper notice of a public hearing held on January 27, 2009 before the Klamath County Planning Commission and Board of County Commissioners; and

WHEREAS, the applicant submitted an Exception Statement to Statewide Planning Goal 4 (Forestry) and Planning Staff found no other restrictions exist on the subject parcel other than Wildland Fire Hazard restrictions; and

WHEREAS, the Klamath County Planning Commission deliberated to a decision, concluding the proposed amendment was not consistent with the Comprehensive Plan, more specifically County Planning Goal 4; and

WHEREAS, on January 27, 2009, based on testimony entered and consideration of the whole record, including the proposed Findings of Fact identified in the Staff Report, the Klamath County Planning Commission concluded the application was not in conformance with Articles 47 and 48 of the Klamath County Land Development Code and Comprehensive Plan, and forwarded a recommendation of Denial for Planning File CLUP/ZC 15-08 to the Board of County Commissioners; and

WHEREAS, on January 27, 2009, based on testimony entered and consideration of the whole record, including the proposed Findings of Fact identified in the Staff Report, the Board of County Commissioners APPROVED Planning File CLUP/ZC 15-08.

Scanned to CRW

3/19/09

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF KLAMATH COUNTY ORDERS AS FOLLOWS:

The Klamath County Comprehensive Land Use Plan Map is amended to include:

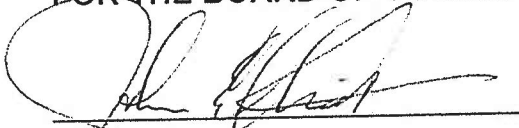
TOWNSHIP 23 South, RANGE 09 East, SECTION 13, TAX LOT 01600, 10 acres as defined by the legal description submitted by the applicant (Applicant Exhibit 12), as an Rural (R) designation; and,

The Klamath County Zoning Map is amended to include:

TOWNSHIP 23 South, RANGE 09 East, SECTION 13, TAX LOT 01600, 10 acres as defined by the legal description submitted by the applicant (Applicant Exhibit 12), as a Rural Residential (R-5) designation.

Dated this 19 day of February, 2009

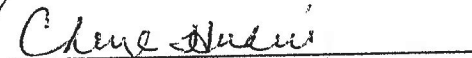
FOR THE BOARD OF COMMISSIONERS




Chairman



Commissioner



Commissioner



County Counsel
Approved as to form

NOTICE OF APPEAL RIGHTS

This decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) within 21 days following the date of the mailing of this order. Contact LUBA for information as how to file this appeal (LUBA by phone 1-503-373-1265 or mail at 550 Capitol Street NE, Suite 235, Salem, Oregon 97301-2552). Failure to do so in a timely manner may affect your rights.

Applicant Exhibit 12

RECEIVED

KLAMATH COUNTY
PLANNING DEPARTMENT

Legal Description for Zone Change and Comprehensive Plan Change December 10, 2008

A parcel of land situated in the NE1/4 of Section 13, Township 23 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at the Southwest corner of Parcel 2 of Land Partition 27-04, as recorded at the Klamath County Clerks' Office; thence along the South line of said Parcel 2, North 89°51'16" East, 627.41 feet; to the Southeast corner of the said Parcel 2; thence South 00°12'09" West, 661.40 feet; thence South 89°51'16" West 627.27 feet to the Easterly Right-of-Way line of Paul Drive; thence, along said Right-of-Way line, North 00°11'24" East, 661.40 feet to the Point of beginning,

Containing 10 acres, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Keith R. Rhine

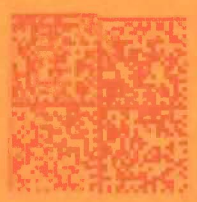
OREGON
JULY 11, 2000
KEITH R. RHINE
58985

RENEWAL DATE: 12/31/10

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Klamath County
Planning Department
305 Main Street
Klamath Falls, OR 97601

DLCD
Plan Amendment Specialist
635 Capital St NE, Ste 150
Salem, OR 97301-2540



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